

# **INFORMATION SHEET**

## **DETERMINATIONS OF NO JURISDICTION FOR ISOLATED, NON-NAVIGABLE, INTRA-STATE WATERS RESULTING FROM U.S. SUPREME COURT DECISION IN SOLID WASTE AGENCY OF NORTHERN COOK COUNTY V. U.S. ARMY CORPS OF ENGINEERS**

DISTRICT OFFICE: Saint Paul District  
 FILE NUMBER: MVP-2007-1581-RMG  
 PROJECT MANAGER: Rebecca Gruber  
 PROJECT REVIEW/DETERMINATION COMPLETED:

In the office? Y ☐ N ☐ Date:

At the project site? Y ☒ N ☐ Date: May 10, 2007

(Wetland 3)

### **PROJECT LOCATION INFORMATION:**

State: Wisconsin

County: Ozaukee

Center coordinates of site by latitude & longitude: 43.2496801092, 87.9213387198

Approximate size of site/property (including uplands) in acres: not indicated

Name of waterway or watershed: Milwaukee

Type of Aquatic Resource <sup>1</sup> :	0-1 ac	1-3 ac	3-5 ac	5-10 ac	10-25 ac	25-50 ac	> 50 ac	Linear Ft	Unknown
Lake									
River									
Stream									
Mudflat									
Sandflat									
Wetlands	.51 acre								
Slough									
Prairie Pothole									
Wet Meadow									
Playa Lake									
Vernal Pool									
Natural Pond									
Other Water (identify type)									

<sup>1</sup>Check appropriate boxes that best describe type of isolated, non-navigable, intra-state water present and best estimate for size of non-jurisdictional aquatic resource area.

Migratory Bird Rule Factors <sup>1</sup>	If Known		If Unknown Use Best Professional Judgment		
	Yes	No	Predicted to Occur	Not Expected to Occur	Not Able to Make Determination
Is or would be used as habitat for birds protected by Migratory Bird Treaties?					X
Is or would be used as habitat by other migratory birds that cross state lines?					X
Is or would be used as habitat for endangered species?				X	
Is used to irrigate crops sold in interstate commerce?				X	

<sup>1</sup>Check appropriate boxes that best describe potential for applicability of the Migratory Bird Rule to apply to onsite, non-jurisdictional, isolated, non-navigable, intra-state aquatic resource area.

**TYPE OF DETERMINATION:** Preliminary ☐ Or Approved: ☒

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ADDITIONAL INFORMATION SUPPORTING njd (e.g., paragraph 1 site conditions; paragraphs 2-3 rationale used to determine NJD, including information reviewed to assess potential navigation or interstate commerce connections; and paragraph 4 site information on waters of the U.S. occurring onsite):

On April 26, 2007 additional wetland delineation information was received by the Corps from Cedarburg Science. This information follows the original submission of a wetland delineation received on December 7, 2006, in which wetlands 1 and 2 were determined to be isolated. After reviewing the most recently submitted information including data sheets, soil surveys, wetland inventory maps, photographs, County G.I.S. and a site visit, the Corps has found that wetland 3 is also isolated. There is no surface water resources that are adjacent or tributary to a water of the US. No interstate nexus to this wetland was found. For this reason the Corps has No Jurisdiction over wetland 3 as well as wetlands 1 and 2.